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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE V.K. SINGHAL

WRIT PETITION NO. 12521/1998

BETWEEN:

Sri. M.C. Bore Gowda,  
S/o Chandre Gowda,  
aged about 32 years,  
Harshitha Bar & Restaurant,  
CL-9 Licencee, No.995-A,  
2061-A, Izoor, Ramanagaram,  
Bangalore South.

... Petitioner.

Respondents 4 to 7:

(By Sri A. Jagannath Shetty for Petr.)

4. S.Nagaraj,  
S/o M.Shivanna,

AND:

5. Shankar,  
S/o Ningaiah,

1. The Commissioner of Excise,  
II Floor, Vokkaligara Building,  
Kittoor Rani Channamma Road,  
Bangalore.

6. Puttaswamy,  
S/o Kempaiah,

2. The Deputy Commissioner of Excise,  
Ramanagaram, Bangalore South.

7. B.Murugesh,  
S/o Bhagavathi,

3. The Inspector of Excise,  
Ramanagaram Range,  
Ramanagaram.

All are Major,  
R/o Ramanagaram,  
Dist.Bangalore Rural.

... Respondents.

R-4 TO R-7 implea-  
ded v.c.o. dt.  
16/6/98.)

(By Smt.S.Sujatha, HCGP, for Respdts.)

(By Satish R.Girji for Applicant in I.A.I.)

9... 2/-

This Writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Declare that the R1 to 3 have no power or authority or jurisdiction or support of law to issue an endorsement in the nature of Ann.D for closure of IML shop of the petitioner, run under the Licence issued in Form No.CL-9 and it is perse bad and illegal and declare vide Ann.D as unenforceable and declare that the petitioner has every statutory right to carry on the IML business as per the provisions of Karnataka Excise Act and etc.

READ: I.A.I for Impleading filed by Adv. for Applet.  
This Writ Petition coming on for orders<sup>a/w I.A.I</sup> this day, the Court made the following:

O R D E R

Petitioner has prayed for quashing the operation of Annexure-D by which a direction was given to close the business till further orders.

It is pointed out by the learned HCGP that this was a temporary measure, in view of the law and order situation, and now a notice dated 25-5-1998 has been issued on the basis of which action would be taken. *P*

... 3/-

I have considered over the matter. Since the notice dated 25-3-1998 was only a temporary measure, it may not now be insisted upon since the final notice have already been issued to the petitioner. The petitioner would filed the objections to the notice if not already filed. The respondent would decide the objection in accordance with law. If the matter is decided against the petitioner he would be free to take the remedy available under The Act.

Petition stands disposed of with the above observations.

The petitioner would appear before the respondent in pursuance of the notice, on 29-6-1998 and on that date, the entire situation would be considered and appropriate order would be passed. The last date for filing the reply is 25-6-1998. The petitioner can avail that benefit.

Mr.S.Nagraj, has filed his application for impleadment. Arguments on that application were heard. Application is allowed. The said applicant would be free to appear before the respondent on 29-6-1998.

Sd/- Judge.

bsr(o.s.) r.by:

c.by:

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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

27/6/98

